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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 LARRY PORCHIA,

8 Plaintiff,

9 v.

10 AMERICAN MEDICAL RESPONDER, *et*
al.,

11 Defendants.

Case No. 2:17-cv-02399-APG-GWF

ORDER

12 This matter is before the Court on Plaintiff's Application to Proceed *In Forma Pauperis*
13 (ECF No. 1), filed on September 12, 2017.

14 Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 plus an additional \$50
15 administrative fee is required to commence a civil action in federal district court. The court may
16 authorize the commencement of an action without prepayment of fees and costs or security if the
17 plaintiff is granted *in forma pauperis* status by the Court. 28 U.S.C. § 1915(a)(1). To proceed *in*
18 *forma pauperis*, a plaintiff must submit an *in forma pauperis* application to the Court, accompanied
19 by an *In Forma Pauperis* Motion Financial Certificate and a copy of the plaintiff's prison account
20 statement showing the current balance of the account. See Local Rule LSR 1-2. Plaintiff filed an
21 Application to Proceed *In Forma Pauperis*, but failed to attached a copy of his prison account
22 statement. The Court, therefore, denies his application without prejudice. Plaintiff may re-file his
23 application with all the required documentation.


24 Should Plaintiff decide to re-apply for *in forma pauperis* status, he is notified that he will
25 still be required to the \$350.00 filing fee (but not the \$50 administrative fee), which will be
26 deducted from his prison account in installments. Pursuant to the Prison Litigation Reform Act of
27 1995, the District Court is required to assess a fee where a prisoner is granted leave to proceed *in*
28 *forma pauperis* in a civil action and the prison officials are required to collect and remit the money

1 to the Court. *See* 28 U.S.C. § 1915(b)(1)-(2). If the plaintiff does not have \$350.00, the plaintiff
2 will be required to pay either 20% of the average monthly balance or 20% of the average monthly
3 deposits, whichever is greater. Furthermore, the plaintiff will be required to pay installments of
4 20% of the preceding month's deposits to the account in months that the account balance exceeds
5 \$10.00. Accordingly,

6 **IT IS HEREBY ORDERED** that the Clerk of the Court shall send Plaintiff an Application
7 to Proceed *In Forma Pauperis* (Inmate Packet), *In Forma Pauperis* Motion Financial Certificate
8 and Instructions for the Application to Proceed *In Forma Pauperis*.

9 **IT IS FURTHER ORDERED** that Plaintiff's Application to Proceed *In Forma Pauperis*
10 (ECF No. 1) is **denied**, without prejudice. Plaintiff shall have until **thirty (30) days** from the date
11 of this order to either pay the appropriate filing fee of \$400.00, or submit a completed application
12 and affidavit in support of his request to proceed *in forma pauperis*. Plaintiff's failure to comply
13 with this order will result in the recommendation that this action be dismissed.

14 Dated this 6th day of November, 2018.

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17 GEORGE FOLEY, JR.
18 UNITED STATES MAGISTRATE JUDGE
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